

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE SURESCRIPTS ANTITRUST
LITIGATION

This Document Relates To:
All Class Actions

No. 1:19-cv-06627

Judge John J. Tharp, Jr.

Magistrate Judge Susan E. Cox

**UNOPPOSED JOINT MOTION FOR LEAVE
TO FILE BRIEFS IN EXCESS OF FIFTEEN PAGES**

Defendants Surescripts, LLC and Allscripts Healthcare Solutions, Inc. (“Defendants”) jointly move this Court for leave to file briefs in excess of 15 pages in connection with the parties’ forthcoming *Daubert* motions. Defendants intend to file motions to exclude the testimony of Daniel F. Spulber, Ph.D., and Michele V. Davidson and anticipate that briefs in support of and in opposition to the *Daubert* motions will exceed the 15 page limit set forth in L.R. 7.1. Following e-mail correspondence between Defendants and Plaintiffs on the subject, Plaintiffs have consented to the following page limit extensions for all *Daubert* briefs: *Daubert* motions shall not exceed 30 pages in length; *Daubert* motion responses shall not exceed 20 pages in length; and *Daubert* motion replies shall not exceed 15 pages in length. In support of this motion, Defendants state as follows:

1. Plaintiffs served Dr. Spulber’s Opening Report and Rebuttal Report on August 17, 2023 and October 19, 2023, respectively. Together, Dr. Spulber’s Reports exceed 800 paragraphs in length.
2. Plaintiffs served Ms. Davidson’s Opening Report and Rebuttal Report on August 17, 2023 and October 19, 2023, respectively. Together, Ms. Davidson’s Reports exceed 120 paragraphs in length.

3. Local Rule 7.1 provides that neither a motion nor brief in support of or in opposition to any motion shall exceed 15 pages without prior approval of the Court.

4. Defendants anticipate filing *Daubert* motions as to certain testimony proffered by Dr. Spulber and Ms. Davidson. Defendants will coordinate in drafting their briefs in support of the *Daubert* motions so as to ensure efficiency and avoid repetition.

5. Specifically, Defendants seek leave to file briefs with the following page limits: (1) *Daubert* motions shall not exceed 30 pages in length; and (2) *Daubert* motion responses shall not exceed 20 pages in length. *Daubert* motion replies shall not exceed 15 pages in length, in accordance with Local Rule 7.1.

6. Following e-mail correspondence on the subject, Plaintiffs consented to the page limit extensions for *Daubert* motions and motion responses set forth above.

WHEREFORE, Defendants respectfully request that the Court grant Defendants leave to file briefs in excess of 15 pages as described above.

Dated: November 10, 2023

/s/ Alfred C. Pfeiffer, Jr.
Alfred C. Pfeiffer, Jr. (CA Bar 120965)
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Telephone: (415) 391-0600
Fax: (415) 395-8095
al.pfeiffer@lw.com
elizabeth.gettinger@lw.com

Amanda P. Reeves (*pro hac vice*)
Allyson M. Maltas (*pro hac vice*)
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004-1304
Telephone: (202) 637-2183
Fax: (202) 637-2201
amanda.reeves@lw.com
allyson.maltas@lw.com

Elyse M. Greenwald (pro hac vice)
LATHAM & WATKINS LLP
10250 Constellation Blvd., Suite 1100
Los Angeles, CA 90067-6268
Telephone: (424) 653-5500
Fax: (424) 653-5501
elyse.greenwald@lw.com

Attorneys for Defendant Surescripts, LLC

/s/ Katharine M. O'Connor (w/consent)

Katharine M. O'Connor
Joshua W. Eastby
McDermott Will & Emery LLP
444 W. Lake Street, Suite 4000
Chicago, IL 60606
(312) 372-2000
koconnor@mwe.com
jeastby@mwe.com

Joel R. Grosberg
McDermott Will & Emery LLP
500 North Capitol St, NW
Washington, DC 20001
(202) 756-8000
jgrosberg@mwe.com

*Attorneys for Defendant Allscripts
Healthcare Solutions, Inc.*